

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:06-CR-24**

UNITED STATES OF AMERICA,

,

v.

SEAN C. SOWARDS,

Defendants.

ORDER

BEFORE THE COURT is its own Order disposing of this case in accordance with the remand issued by the Fourth Circuit. On August 28, 2006, this Court held a hearing regarding Defendant's Motion to Suppress (Doc. 19). This Court **DENIED** Defendant's Motion to Suppress by Oral Order issued the same day. Thereafter, Defendant pled guilty to the offense alleged in the indictment but reserved the ability to appeal this Court's August 28, 2006 Order denying the Motion to Suppress. (*See* Doc. 23-24). Thereafter, Defendant exercised his right to appeal. (Doc. 59-60). The Fourth Circuit issued an opinion reversing this Court's decision. The Fourth Circuit found that there was not probable cause to stop Defendant's vehicle. (Doc. 74, at 21, 26). The case was remanded to this Court for further proceedings consistent with the Fourth Circuit's opinion.

IT IS, THEREFORE, ORDERED THAT the case is dismissed because the Government lacked probable cause to stop Defendant's vehicle.

Signed: June 30, 2015



Richard L. Voorhees
United States District Judge

